

1 THE HONORABLE JOHN C. COUGHENOUR
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10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
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15 UNITED STATES OF AMERICA,
16 Plaintiff,

17 v.
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19 SCOTT THOMAS VISNICH,
20 Defendant.
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22 CASE NO. CR19-0069-JCC
23
24 PROTECTIVE ORDER
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26 This matter comes before the Court to on the parties' stipulated motion for a discovery
27 protective order (Dkt. No. 30). Having considered the motion and the relevant record, the Court
28 GRANTS the motion and ORDERS as follows:

29 IT IS HEREBY ORDERED that the discovery materials discussed in the Motion
30 for the Protective Order and referred to therein as "Protected Material," listed or marked
31 specially as "Protected Material," may be produced to counsel for the defendant in this
32 case.

33 IT IS FURTHER ORDERED that possession of Protected Material is limited to
34 the attorneys of record in this case and their staff, and to any investigators, expert
35 witnesses, and other agents the attorneys of record retained in connection with this case.
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38 PROTECTIVE ORDER
39 CR19-0069-JCC
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1 The attorneys of record, and their investigators, expert witnesses, and other agents can
2 review Protected Material with the defendant. The defendant can inspect and review
3 Protected Material, but shall not be allowed to possess, photograph, or record Protected
4 Material or otherwise retain Protected Material or copies thereof.

5 IT IS FURTHER ORDERED that defense counsel shall not provide Protected
6 Material or copies thereof to any other person outside his or her law office, including the
7 defendant or his family or associates.

8 IT IS HEREBY FURTHER ORDERED that the defendant, defense counsel, and
9 others to whom disclosure of the content of the Protected Material may be necessary to
10 assist with the preparation of the defense, shall not disclose the Protected Material or its
11 contents, other than as necessary for the preparation of defenses at trial and in subsequent
12 appellate proceedings, if necessary. Specifically, the attorneys of record and members of
13 the defense team acknowledge that providing copies of the Protected Material to the
14 defendant and other persons is prohibited, and agree not to duplicate or provide copies of
15 the Protected Material to the defendant and other persons. This order does not limit
16 employees of the United States Attorney's Office for the Western District of Washington
17 from disclosing the Protected Material to members of the United States Attorney's
18 Office, federal law enforcement agencies, the Court, or witnesses in order to pursue other
19 investigations or the prosecution in this case. Nor does it limit employees of the
20 United States Attorney's Office for the Western District of Washington from disclosing
21 the Protected Material to the defense as necessary to comply with the government's
22 discovery obligations.

23 IT IS FURTHER ORDERED that if counsel for the defendant finds it necessary to
24 file any documents marked as Protected Material, the material shall be filed under seal
25 with the Court.

1 Nothing in this Order shall prevent any party from seeking modification of this
2 Protective Order or from objecting to discovery that it believes to be otherwise improper.
3 The parties agree that in the event that compliance with this Order makes it difficult for
4 defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an
5 unworkable burden on counsel, defense counsel shall bring any concerns about the terms
6 of the Order to the attention of the government. The parties shall then meet and confer
7 with the intention of finding a mutually acceptable solution. In the event that the parties
8 cannot reach such a solution, defense counsel shall have the right to bring any concerns
9 about the scope or terms of the Order to the attention of the Court by way of a motion.
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11 Nothing in this order should be construed as imposing any discovery obligations
12 on the government that are different from those imposed by case law and Rule 16 of the
13 Federal Rules of Criminal Procedure. The failure to list, mark, or designate any materials
14 as provided in this order shall not constitute a waiver of a party's assertion that the
15 materials are covered by this Protective Order.

16 This Protective Order does not constitute a ruling on the question of whether any
17 particular material is properly discoverable or admissible and does not constitute any
18 ruling on any potential objection to the discoverability of any material.

19 **IT IS FURTHER ORDERED** that at the conclusion of the case, the Protected
20 Material shall be returned to the United States, or destroyed, or otherwise stored in a
21 manner to ensure that it is not subsequently duplicated or disseminated in violation of this
22 Protective Order.

23 The Clerk of the Court is directed to provide a filed copy of this Protective Order
24 to all counsel of record.

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1 DATED this 15th day of August 2019.
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John C. Coughenour
UNITED STATES DISTRICT JUDGE